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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,198	12/04/2001	Stephen Lowenstein	450110-03032	8845
20999	7590	12/19/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			WINTER, JOHN M	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,198

Applicant(s)

LOWENSTEIN ET AL.

Examiner

John M. Winter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5- 19, 28-30 and 35, 38-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5- 19, 28-30 and 35, 38-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-3, 5- 19, 28-30 and 35, 38-39 remain pending.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Response to Arguments

The Applicant's arguments filed on October 4, 2005 have been fully considered. The amended claims remain rejected in view of 35 USC 112. See following rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention the claimed feature of "perceivable impairments" imposes no further limitation upon the applicants invention. The term "perceivable impairments" is subjective in nature and fails to disclose a quantifiable degradation of the material.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz (US Patent No 6,055,513) in view of Alloul et al. (US Patent 6,032,130), and further in view of Levine et al (US Patent 6,209,094)

As per claim 1,

Katz ('513) discloses a multimedia transaction processor for facilitating the sale of multimedia material, said apparatus comprising

a transaction controller operable, in response to selection data representative of a selection of at least one of said possible multimedia content items from said buyer, to communicate to said vendor identified by said stored identification, data ordering said selected multimedia content items, and to complete a sales transaction for the selected multimedia material with the buyer.(Figure 6)

Katz ('513) does not explicitly disclose "a media server meta data representing the content of the multimedia material and data identifying the vendor providing the multimedia material, said meta data and said identifying data being stored in association with said multimedia material, a communications processor connectable, via a communications link, to one or more data processing systems and operable to receive, via said communications link, from one of said data processing systems, data indicative of a request for multimedia content from a buyer, an access processor operable to retrieve from said server possible multimedia material content items corresponding to said requested multimedia content by generating meta data from said data requesting said multimedia content and comparing said generated meta data with the meta data stored in association with said multimedia material, and from the comparison retrieving said possible multimedia content items from said server, and to communicate to the buyer data processing system data representative of said possible multimedia content items" Alloul et al. ('130) discloses a media server , meta data representing the content of the multimedia material and data identifying the vendor providing the multimedia material, said meta data and said identifying data being stored in association with said multimedia material,(Column 2, lines 47-60) a communications processor connectable, via a communications link, to one or more data processing systems and operable to receive, via said communications link, from one of said data processing systems, data indicative of a request for multimedia content from a buyer,(Figure 2) an access processor operable to retrieve from said server possible multimedia material content items corresponding to said requested multimedia content by generating meta data from said data requesting said multimedia content and comparing said generated meta data with the meta data stored in association with said multimedia material, and from the comparison retrieving said possible multimedia content items from said server, and to communicate to the buyer data processing system data representative of said possible multimedia content items, (Column 10, lines 41-57),(Column 5 lines 27-45; figure 3). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Alloul et al. ('130) method in order to allow the merchant to realize a profit from marketing multimedia materials.

Katz ('513) does not explicitly disclose a preview version of multimedia material items, which are received from one or more vendors, the preview version of the multimedia material

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being formed with perceivable impairments produced by generating a reduced quality representation of the material, to the effect that an amount of data required to represent the multimedia material is substantially reduced, and the reduced quality discourages copying of the multimedia material. Levine et al ('094) discloses a preview version of multimedia material items, which are received from one or more vendors, the preview version of the multimedia material being formed with perceivable impairments produced by generating a reduced quality representation of the material, to the effect that an amount of data required to represent the multimedia material is substantially reduced, and the reduced quality discourages copying of the multimedia material. (Column 6, lines 60-67; column 7 lines 1-29 [the constant quality model allows for the signal to be degraded by a predetermined amount]). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Levine et al ('094) method in order to allow consumers to audit the material without exposing the media to piracy.

Claims 18 and 19 are in parallel with claim 1 and are rejected for the same reasons.

As per claim 2,

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1,

Katz ('513) does not explicitly disclose meta data comprises a plurality of different types, each different type of said meta data describing a different aspect of said multimedia content. Alloul et al. ('130) discloses meta data comprises a plurality of different types, each different type of said meta data describing a different aspect of said multimedia content (Column 2, lines 47-60). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Alloul et al. ('130) method in order to market media to a larger consumer base.

As per claim 3,

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1

Official Notice is taken that "said preview of said multimedia material items include a watermark in order to identify the vendor of said multimedia material" is common and well known in prior art in reference to digital media. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include watermarks in order to identify the origin of the media in order to prevent unauthorized usage of the media.

As per claim 5

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1,

wherein said selection data includes an indication of a selected part of said selected multimedia item, said communications processor being operable in combination with said transaction controller to complete said sales transaction by debiting an amount of money corresponding to said selected part of said media item, with respect to the total cost of said selected media item. (Figure 3)

As per claim 6

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1,

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wherein said server is arranged to store business rules data representative of the conditions for the sale of said selected multimedia material items, said access processor communicating said conditions of sale data to said buyer in response to one of said selection data and said requesting data.(Figure 7)

As per claim 7

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1, wherein said access processor is operable in response to said selection data to generate and to store data representing the number of times buyers-select said multimedia material items.(Column 23, lines 51-61)

As per claim 8

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 7, wherein said access processor is operable to determine the number of times multimedia content items owned by a particular vendor are selected by said buyers, and said communications processor is operable in combination with said access processor to communicate on request, data representative of said number of times said multimedia content items are selected, to said particular vendor providing said multimedia content.(Column 24, lines 13-29)

As per claim 9

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1, Katz ('513) does not explicitly disclose "access processor is operable to receive catalogue data representing a list of multimedia material items provided by a vendor divided into predetermined categories, said catalogue data being communicated on request to a buyer data processing system." Alloul et al. ('130) discloses "access processor is operable to receive catalogue data representing a list of multimedia material items provided by a vendor divided into predetermined categories, said catalogue data being communicated on request to a buyer data processing system." (Column 10, lines 41-52). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Alloul et al. ('130) method in order to expedite the consumers purchase.

As per claim 10

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1, Katz ('513) does not explicitly disclose "media server is arranged to store data representative of advertising material, and said access processor is operable to communicate said advertising data to said buyer data processing system in response to said request data" Alloul et al. ('130) discloses "media server is arranged to store data representative of advertising material, and said access processor is operable to communicate said advertising data to said buyer data processing system in response to said request data." (Column 4, lines 2-8). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Alloul et al. ('130) method in order to maximize the merchants profit by encouraging additional purchases.

As per claim 11

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Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1,

Katz ('513) does not explicitly disclose "request data comprises at least one data value and an indication of which of said types of meta data said data value corresponds, said access processor being operable to search said server for said possible multimedia content items by searching for values corresponding to said data value for said meta data type corresponding to said indication" Alloul et al. ('130) discloses "request data comprises at least one data value and an indication of which of said types of meta data said data value corresponds, said access processor being operable to search said server for said possible multimedia content items by searching for values corresponding to said data value for said meta data type corresponding to said indication" (Column 10, lines 41-57; Figure 4). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Alloul et al. ('130) method in order to expedite the consumers purchase.

As per claim 12

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 2,

Katz ('513) does not explicitly disclose "access processor is operable to generate at least one meta data value for at least one meta data type from said request data, and to retrieve said possible multimedia content items by searching said server for multimedia content items having meta data values corresponding to said at least one generated meta data value" Alloul et al. ('130) discloses "access processor is operable to generate at least one meta data value for at least one meta data type from said request data, and to retrieve said possible multimedia content items by searching said server for multimedia content items having meta data values corresponding to said at least one generated meta data value" (Column 10, lines 41-57; Figure 4). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Alloul et al. ('130) method in order to expedite the consumers purchase.

As per claim 13

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1,

Katz ('513) does not explicitly disclose "access processor is operable to compare said request data with meta data stored in said server and to retrieve meta data which corresponds with said request data, and to operate in combination with said communications processor to communicate said retrieved meta data to said buyer data processing systems, said access processor being operable to retrieve multimedia content items corresponding to selected retrieved meta data received from a buyer user data processing system" Alloul et al. ('130) discloses "access processor is operable to compare said request data with meta data stored in said server and to retrieve meta data which corresponds with said request data, and to operate in combination with said communications processor to communicate said retrieved meta data to said buyer data processing systems, said access processor being operable to retrieve multimedia content items corresponding to selected retrieved meta data received from a buyer user data processing system" (Column 10, lines 41-57; Figure 4). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Alloul et al. ('130) method in order to expedite the consumers purchase.

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As per claim 14

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1,

Katz ('513) does not explicitly disclose "transaction controller includes an account management system operable to store data representative of bank accounts of said buyer and said vendor, and consequent upon receipt of said selection data, to complete said transaction by transferring money to be charged to said bank account of said vendor from the bank account of said buyer, said amount of money being determined in dependence upon said pre-stored cost of buying said selected multimedia content items." Alloul et al. ('130) discloses "transaction controller includes an account management system operable to store data representative of bank accounts of said buyer and said vendor, and consequent upon receipt of said selection data, to complete said transaction by transferring money to be charged to said bank account of said vendor from the bank account of said buyer, said amount of money being determined in dependence upon said pre-stored cost of buying said selected multimedia content items." (Figure 3). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Alloul et al. ('130) method in order to allow the merchant to realize a profit.

As per claim 15

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1,

Katz ('513) does not explicitly disclose "multimedia material includes one of data, video data, audio data and audio/video data" Alloul et al. ('130) discloses "multimedia material includes one of data, video data, audio data and audio/video data" (Column 4, lines 2-5). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Alloul et al. ('130) method in order to appeal to a larger consumer base.

As per claim 16

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1,

Katz ('513) does not explicitly disclose "a plurality of data processing systems coupled to said transaction processor via a data communications network" Alloul et al. ('130) discloses "a plurality of data processing systems coupled to said transaction processor via a data communications network" (Figure 3). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Alloul et al. ('130) method in order to expedite transactions.

As per claim 17

Katz ('513) discloses a multimedia transaction processor as claimed in Claim 1,

Katz ('513) does not explicitly disclose "data communications network includes the Internet" Alloul et al. ('130) discloses "data communications network includes the Internet" (Figure 1). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Alloul et al. ('130) method in order to expedite transactions.

As per claim 28

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Katz ('513) discloses a computer program providing computer executable instructions,.

Katz ('513) does not explicitly disclose "when loaded onto a computer configures the computer to operate as a multimedia transaction processor as claimed in Claim 1" Alloul et al. ('130) discloses "when loaded onto a computer configures the computer to operate as a multimedia transaction processor as claimed in Claim 1" (Figure 3). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Katz ('513) method with the Alloul et al. ('130) method in order to expedite transactions.

Claims 29,35,and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alloul et al. (US Patent 6,032,130) in view of Katz (US Patent No 6,055,513).

As per claim 29

Alloul et al ('130) discloses a computer program providing computer executable instructions,

which when loaded on to a computer causes the computer to perform the method according to Claim 18.(Figure 3)

As per claim 35

Alloul et al ('130) discloses a computer program providing computer executable instructions,

which when loaded on to a computer causes the computer to perform the method according to Claim 19.(Figure 3)

As per claim 39

Alloul et al ('130) discloses a computer program product having a computer readable medium recorded thereon information signals representative of the computer program claimed in Claim 35.(Figure 3)

Claims 28,38,40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alloul et al. (US Patent 6,032,130).

As per claim 28

Alloul et al ('130) discloses a computer program providing computer executable instructions,

which when loaded on to a computer causes the computer to perform the method according to claim 1 .(Figure 3)

As per claim 38

Alloul et al ('130) discloses a computer program product having a computer readable medium recorded thereon information signals representative of the computer program claimed in Claim 29.(Figure 3)

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Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is **(571) 272-6713**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

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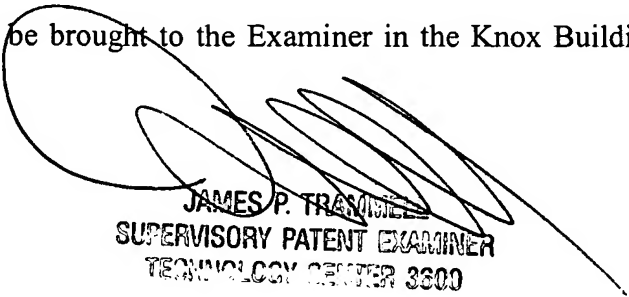
or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW
December 11, 2005.


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600